

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e. Claims 15-19, 22-28 and 30-32) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, applicant would like to thank the Examiner for his indication that claims 24-30 are allowed and that claims 15-19, 22, 23, 31 and 32 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, made in the Office Action. Applicant has made these changes and therefore considers all the claims in the application to be in condition for allowance.

Specifically, applicant has cancelled claim 29 as being duplicative of claim 27 and has amended claims 17 and 31 to indicate that the X-ray markers are in the first cement deflector. Claim 32 then was amended to depend from claim 31 to provide the proper antecedent basis for the "X-ray marker."

The Examiner then objected to claim 19 apparently because the term "prosthesis" was used interchangeably to represent the cannulated phantom prosthesis as well as the prosthetic implant. Applicant has amended claim 19 to either specifically refer to the phantom prosthesis or the prosthetic implant in order to overcome the Examiner's objection. Claims 22 and 23 have been amended to conform with amended claim 19.

Applicant notes that the Office Action summary sheet indicates that the priority under 35 U.S.C. § 119 is acknowledged but that the certified copy of the priority document was not received. Applicant examined the file and noted that the certified copy of the priority document had been previously submitted and during a telephone conversation on June 16, 2004, Examiner Robert reviewed the file contents and indicated that indeed the certified copy had been received.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 10, 2004

Respectfully submitted,

By 

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